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OCT 27 2004

OFFICE OF PETITIONS

In re Application of :  
Hillman, Tsai, McBroom, McBroom, :  
Sudderth, Andre, Stringer, Riccio, : DECISION ACCORDING STATUS  
Kim, Jue, and White : UNDER 37 CFR 1.47(a)  
Application No. 10/741,671 :  
Filed: 19 December, 2003 :  
Attorney Docket No. 4860P2667X1 :  
:

This is in response to the petition filed under 37 CFR 1.47(a) on 7 October, 2004.

The petition is **GRANTED**.

The above-identified application was filed on 19 December, 2003, without an executed oath or declaration. Accordingly, on 6 April, 2004, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration as well as a surcharge for its late filing and replacement drawings in compliance with 37 CFR 1.84 and 1.121.

In response, on 7 October, 2004 (certificate of mailing 5 October, 2004), petitioners filed the present petition, along with the surcharge and petition fee and a four (4) month extension of time, corrected drawings, and a declaration naming Michael D. Hillman, Frank Tsai, Michael D. McBroom, Daniel L. McBroom, Brian T. Sudderth, Bartley K. Andre, Christopher Stringer, Daniel Riccio, Sung Kim, Clifford Jue, and Bryan Thomas White as joint inventors and signed by all inventors except Tsai on behalf of themselves and joint inventor Tsai.

Petitioners have shown that the non-signing inventor cannot be found. Specifically, petitioners have shown, via the declaration of registered patent attorney J. Scott Heileson, that a copy of the application was sent to the non-signing inventor at his last

known address but was reported as undeliverable by the USPS. A copy of the application has also been sent to a previous address given by the non-signing inventor, but the declaration was not returned. As such, despite diligent efforts to contact Tsai, the non-signing inventor could not be located.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the renewed petition, not the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Technology Center 2600 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions